

- (i) A cover sheet identifying:
 - (A) The application as a provisional application,
 - (B) The name or names of the inventor or inventors, (see §1.41),
 - (C) The residence of each named inventor,
 - (D) The title of the invention,
 - (E) The name and registration number of the attorney or agent (if applicable),
 - (F) The docket number used by the person filing the application to identify the application (if applicable),
 - (G) The correspondence address, and
 - (H) The name of the U.S. Government agency and Government contract number (if the invention was made by an agency of the U.S. Government or under a contract with an agency of the U.S. Government);
 - (ii) A specification as prescribed by 35 U.S.C. 112, first paragraph, see §1.71;
 - (iii) Drawings, when necessary, see §§1.81 to 1.85; and
 - (iv) The prescribed filing fee, see §1.16.
- (b) Applicants are encouraged to file an information disclosure statement in nonprovisional applications. See §§1.97 and 1.98. No information disclosure statement may be filed in a provisional application.

(c) Applicants may desire and are permitted to file with, or in, the application an authorization to charge, at any time during the pendency of the application, any fees required under any of §§1.16 to 1.18 to a deposit account established and maintained in accordance with §1.25.

(35 U.S.C. 6, Pub. L. 97-247; 15 U.S.C. 1113, 1123)

[42 FR 5593, Jan. 28, 1977, as amended at 47 FR 41275, Sept. 17, 1982; 48 FR 2709, Jan. 20, 1983; 57 FR 2033, Jan. 17, 1992; 60 FR 20222, Apr. 25, 1995]

§ 1.52 Language, paper, writing, margins.

(a) The application, any amendments or corrections thereto, and the oath or declaration must be in the English language except as provided for in §1.69 and paragraph (d) of this section, or be accompanied by a verified translation of the application and a translation of any corrections or amendments into the English language. All papers which

are to become a part of the permanent records of the Patent and Trademark Office must be legibly written either by a typewriter or mechanical printer in permanent dark ink or its equivalent in portrait orientation on flexible, strong, smooth, non-shiny, durable, and white paper. All of the application papers must be presented in a form having sufficient clarity and contrast between the paper and the writing thereon to permit the direct reproduction of readily legible copies in any number by use of photographic, electrostatic, photo-offset, and microfilming processes and electronic reproduction by use of digital imaging and optical character recognition. If the papers are not of the required quality, substitute typewritten or mechanically printed papers of suitable quality will be required. See §1.125 for filing substitute typewritten or mechanically printed papers constituting a substitute specification when required by the Office.

(b) Except for drawings, the application papers (specification, including claims, abstract, oath or declaration, and papers as provided for in this part) and also papers subsequently filed, must have each page plainly written on only one side of a sheet of paper, with the claim or claims commencing on a separate sheet and the abstract commencing on a separate sheet. See §§1.72(b) and 1.75(h). The sheets of paper must be the same size and either 21.0 cm. by 29.7 cm. (DIN size A4) or 21.6 cm. by 27.9 cm. (8½ by 11 inches). Each sheet must include a top margin of at least 2.0 cm. (¾ inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 2.0 cm. (¾ inch), and a bottom margin of at least 2.0 cm. (¾ inch), and no holes should be made in the sheets as submitted. The lines of the specification, and any amendments to the specification, must be 1½ or double spaced. The pages of the specification including claims and abstract must be numbered consecutively, starting with 1, the numbers being centrally located above or preferably, below, the text. See §1.84 for drawings.

(c) any interlineation, erasure, cancellation, or other alteration of the application papers filed should be made before signing of any accompanying

oath or declaration pursuant to §1.63 referring to those application papers and should be dated and initialed or signed by the applicant on the same sheet of paper. Application papers containing alterations made after the signing of the oath or declaration referring to those application papers must be supported by a supplemental oath or declaration under §1.67(c). After the signing of the oath or declaration referring to the application papers, amendments may be made in the manner provided by §§1.121 and 1.123 through 1.125.

(d) An application may be filed in a language other than English. A verified English translation of the non-English-language application and the fee set forth in §1.17(k) are required to be filed with the application or within such time as may be set by the Office.

(Pub. L. 94-131, 89 Stat. 685; 35 U.S.C. 6, Pub. L. 97-247; 15 U.S.C. 1113, 1123)

[43 FR 20462, May. 11, 1978, as amended at 47 FR 41275, Sept. 17, 1982; 48 FR 2709, Jan. 20, 1983; 49 FR 554, Jan. 4, 1984; 57 FR 2033, Jan. 17, 1992; 61 FR 42803, Aug. 19, 1996]

§ 1.53 Application number, filing date, and completion of application.

(a) Any application for a patent received in the Patent and Trademark Office will be assigned an application number for identification purposes.

(b)(1) The filing date of an application for patent filed under this section, except for a provisional application, is the date on which: a specification containing a description pursuant to §1.71 and at least one claim pursuant to §1.75; and any drawing required by §1.81(a), are filed in the Patent and Trademark Office in the name of the actual inventor or inventors as required by §1.41. No new matter may be introduced into an application after its filing date (§1.118). If all the names of the actual inventor or inventors are not supplied when the specification and any required drawing are filed, the application will not be given a filing date earlier than the date upon which the names are supplied unless a petition with the fee set forth in §1.17(i) is filed which sets forth the reasons the delay in supplying the names should be excused. A continuation or divisional application (filed under the conditions

specified in 35 U.S.C. 120 or 121 and §1.78(a)) may be filed under this section, §1.60 or §1.62. A continuation-in-part application may be filed under this section or §1.62.

(2) The filing date of a provisional application is the date on which: a specification as prescribed by 35 U.S.C. 112, first paragraph; and any drawing required by §1.81(a), are filed in the Patent and Trademark Office in the name of the actual inventor or inventors as required by §1.41. No amendment, other than to make the provisional application comply with all applicable regulations, may be made to the provisional application after the filing date of the provisional application. If all the names of the actual inventor or inventors are not supplied when the specification and any required drawing are filed, the provisional application will not be given a filing date earlier than the date upon which the names are supplied unless a petition with the fee set forth in §1.17(q) is filed which sets forth the reasons the delay in supplying the names should be excused.

(i) A provisional application must also include a cover sheet identifying the application as a provisional application. Otherwise, the application will be treated as an application filed under §1.53(b)(1).

(ii) An application for patent filed under §1.53(b)(1) may be treated as a provisional application and be accorded the original filing date provided that a petition requesting the conversion, with the fee set forth in §1.17(q), is filed prior to the earlier of the abandonment of the §1.53(b)(1) application, the payment of the issue fee, the expiration of 12 months after the filing date of the §1.53(b)(1) application, or the filing of a request for a statutory invention registration under §1.293. The grant of any such petition will not entitle applicant to a refund of the fees which were properly paid in the application filed under §1.53(b)(1).

(iii) A provisional application shall not be entitled to the right of priority under §1.55 or 35 U.S.C. 119 or 365(a) or to the benefit of an earlier filing date under §1.78 or 35 U.S.C. 120, 121 or 365(c) of any other application. No claim for priority under §1.78(a)(3) may be made